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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re FAIRFIELD SENTRY LIMITED, et al.,	:	Chapter 15 Case
	:	
Debtors in Foreign Proceedings.	:	Case No. 10-13164 (BRL)
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	:	
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FAIRFIELD SENTRY LIMITED, et al.,	:	Adv. Pro. Nos.:
	:	10-3635 and 10-3636
Plaintiffs,	:	
	:	
-against-	:	(District Court Civ. Nos.:
	:	1:10-cv-06640 and 1:10-cv-
ABN AMRO SCHWEITZ AG, et. al.,	:	06641)
	:	<b>MOTION OF NBK</b>
	:	<b>BANQUE PRIVÉE TO</b>
Defendants.	:	<b>REMAND CASE</b>
-----X	:	

PLEASE TAKE NOTICE THAT NBK BANQUE PRIVÉE (SUISSE) SA, a Swiss corporation named as one of the defendants in the caption of this action, reserving all its rights including its right to seek dismissal of the action for lack of jurisdiction and on other grounds, will move this Court at the Courthouse at Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004-1408, at 10:00 a.m. on the 15th day of December, 2010, or as soon thereafter as counsel can be heard, for an order remanding this action to the Supreme

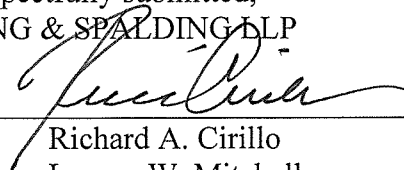
Court of the State of New York, Civil Division, docket of Justice Bernard Fried, and/or abstaining from the action, on the grounds that (1) the plaintiffs' removal of the action from the State Court is not authorized by 28 U.S.C. § 1452, 28 U.S.C. § 1332(a), or any other law; (2) the plaintiffs' claims do not "arise under" or "arise in" a case under the United States Bankruptcy Code and are not "core proceedings" under the Bankruptcy Code; (3) the absence of diversity of citizenship is plain on the face of the plaintiffs' pleadings; and (4) there is no basis for the District Court or the Bankruptcy Court to exercise jurisdiction or power over the plaintiffs' claims against NBK Banque Privée. In support of its motion, NBK Banque Privée respectfully relies on the Memoranda of Law in Support of Defendants' Motion to Remand and for Abstention filed by Cleary Gottlieb Steen & Hamilton LLP on October 4, 2010 (Adv. Pro. Nos. 10-3636, Dkt. 14, & 10-3635, Dkt. 14) and by Sullivan & Cromwell LLP on September 10, 2010 (District Court Case 1:10-cv-6376(BSJ), Dkt. 8).

In making this motion, NBK Banque Privée is not making an appearance in this action and does not admit the jurisdiction of this Court or the New York Supreme Court, does not consent to the entry of final orders or judgment by the Bankruptcy Court, and reserves its right to move to dismiss the action for lack of jurisdiction or otherwise when its motion to remand has been decided.

Dated: New York, NY  
October 6, 2010

Respectfully submitted,  
KING & SPALDING LLP

by



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